

REMARKS

This paper is being submitted in response to the Office Action dated February 28th, 2008, issued in connection with the above-captioned application. As of the mailing of the Office Action of February 28th, 2008, Claims 1-11, 16-26, 31-41, 46-56, 61-71, 76-86, 91-101, 106, 107, 110, 111, 114, 115, 118, 119, 122, 123, 126, 127 and 130-136 are pending. Claims 6-11, 21-26, 130, 131, and 134 - 136 are allowed. Claim 132 is rejected under 35 U. S. C. § 112, first paragraph, as being allegedly non-enabling. Claims 36-41, 66-71, 81-86, 96-101, 106 -107, 114-115, 118-119, 122-123 and 132-133 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being allegedly unpatentable over claim 130-144 of co-pending U.S. Application No. 11/854,218.

Applicant acknowledges the Examiner's withdrawal of the Restriction Requirement issued on 09/05/2006 in the Office Action dated February 28th, 2008. Applicant also notes that the Examiner recognizes the Applicant's Response to the Restriction Requirement of 09/05/2006 and that Claims 36-41, 66-71, 81-86, 96-101, 106 -107, 114-115, 118-119, 122-123, 126-127, and 132-133 were withdrawn in light of the Response to the restrictions requirement to facilitate the initial search and examination. Applicant understands that these previously withdrawn Claims are now in a condition for rejoinder upon finding of allowable claims directed to products / compounds. In the instant Office Action, Claims 6-11, 21-26, 130, 131 and 134-136 have been determined to be allowable. As such, Claims 36-41, 66-71, 81-86, 96-101, 106 -107, 114-115, 118-119, 122-123, 126-127 and 132-133, which are directed to methods of making and using the products, are now in a condition for rejoinder and no longer withdrawn from consideration. However, in the interest of expediting prosecution to allowance, Claims 36-41, 66-71, 81-86, 96-101, 106 -107, 114-115, 118-119, 122-123 and 132-133 are canceled herein without prejudice. Applicant reserves the right to pursue the subject matter in a divisional and/or continuation application or applications.

Accordingly, upon entry of the instant Response, Claims 6-11, 21-26, 126, 127, 130, 131, and 134 - 136 are pending. Claims 1-5, 16-20, 31-41, 46-56, 61-71, 76-86, 91-101, 106, 107, 110, 111, 114, 115, 118, 119, 122, 123 and 132-133 are canceled herein for the purpose of

expediting the prosecution. As such, all the remaining pending Claims have already been allowed. No new matter has been added and no new search is required.

Applicant submits that none of the claim amendments and/or cancellations was made for any reason relating to patentability or any outstanding rejection, and none should be construed as an admission of the propriety of any rejection, all of which are traversed in their entirety. Applicant reserves the right to pursue the subject matter in a divisional and/or continuation application or applications.

The Examiner's rejections and objections are responded to in the order in which they appear in the Office Action.

Rejection Of Claim 132 Under 35 U. S. C. § 112, First Paragraph

Claim 132 is rejected under 35 U. S. C. § 112, first paragraph, as being allegedly non-enabling. In the interest of expediting prosecution, Claim 132 is canceled herein without prejudice. Applicant reserves the right to pursue the subject matter in a divisional and/or continuation application or applications. The rejection of Claim 132 under 35 U. S. C. § 112, first paragraph is therefore rendered moot. Applicant respectfully requests the Examiner reconsider and withdraw this rejection.

Rejection of Claims 36-41, 66-71, 81-86, 96-101, 106 -107, 114-115, 118-119, 122-123 and 132-133 under Provisional Double Patenting 35 U. S. C. § 101

Claims 36-41, 66-71, 81-86, 96-101, 106 -107, 114-115, 118-119, 122-123 and 132-133 are provisionally rejected as allegedly claiming the same invention as that of claims 130-144 in co-pending U. S. Application No. 11/854,218. In the interest of expediting prosecution, Claim 36-41, 66-71, 81-86, 96-101, 106 -107, 114-115, 118-119, 122-123 and 132-133 are canceled herein without prejudice. Applicant reserves the right to pursue the subject matter in a divisional and/or continuation application or applications. The provisional double patenting rejection of Claims 36-41, 66-71, 81-86, 96-101, 106 -107, 114-115, 118-119, 122-123 and 132-133 under 35 U. S. C. § 101 is therefore rendered moot. Applicant respectfully requests the Examiner reconsider and withdraw this rejection.

As stated, various claims have been amended and/or canceled in the instant response (as well as other papers during pendency) for the sole purpose of expediting prosecution, and for no reason related to patentability and that Applicant has amended and/or canceled the claims in accordance with the office action and /or as suggested by the Examiner to facilitate an allowance. Applicant respectfully requests the Examiner reconsider and withdraw various objections and rejections accordingly. Applicant respectfully submits that the scope of the claim is not changed in any way by these claim amendments or cancellations, and as such *Festo* and its progeny are not applicable.

Summary

For the reasons set forth above, the Examiner is respectfully requested to withdraw each of the rejection and/or objection and to issue a Notice of Allowance at the earliest possible time.

Respectfully submitted,

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(Date)

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